IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION No. 7:07-CR-86-D No. 7:10-CV-177-D

MICHAEL KENTA DAVIS,)	
Petitioner,)	
v.)	ORDER
UNITED STATES OF AMERICA,)	
Respondent.)	

The court has considered petitioner's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings. Dismissal is not warranted at this time. The United States Attorney is DIRECTED to file an answer pursuant to Rule 5 of the Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned section 2255 motion to vacate, set aside, or correct sentence, within forty (40) days of the filing of this order.

SO ORDERED. This **13** day of September 2010.

JAMES C. DEVER III
United States District Judge